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Signature: /Gary R. Fabian/ Reg. No. 33,875

Date: 3 February 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Stanford Mark Moran

Confirmation No. 8022

Serial No.: 10/004,118

Art Unit: 1647

Filing Date: 30 October 2001

Examiner: Seharaseyon, J.

Title: METHOD FOR TREATING DISEASES WITH OMEGA INTERFERON

**RESPONSE TO REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action in the above-referenced application, mailed 3 February 2009. A Notice of Appeal was filed in this application on 3 August 2009.

Accompanying this response is a petition for extension of time (four months) and a Request for Continued Examination (RCE). Thus the response date with four-month extension is Wednesday 3 February 2010. Authorization for payment of the fee for the extension of time accompanies this paper in the Petition for Extension of Time. Also accompanying this response is a Request for Continued Examination (RCE), including authorization for the required fee. Reconsideration of the application in view of the following amendments and remarks is respectfully requested.

## **Introductory Comments**

### **I. Summary of the Office Action**

All previously asserted rejections and objections have been withdrawn. In the Office action, mailed 3 February 2009, the Examiner asserted the following new rejections:

The Examiner rejected claims 87, 88, 90-96 and 98-108 and 114 under 35 U.S.C. §103(a) asserting that the claims are unpatentable over Goeddel, et al., US 5,120,832, in view of Parker, et al., WO 00/40273, and Albrecht, et al., US 6,172,046, and further in view of Theeuwes, et al., US 4,976,966.

The Examiner rejected claims 86, 97, 103 and 109-113 under 35 U.S.C. §103(a) asserting that the claims are unpatentable over Goeddel, et al., US 5,120,832, in view of Parker, et al., WO 00/40273, and Albrecht, et al., US 6,172,046, and further in view of Theeuwes, et al., US 4,976,966, and Guillen, et al., US 6,074,673.

The Examiner provisionally rejected claims 87, 88, 90-96, 98-108 and 114 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 65 and 86-104 of co-pending U.S. Patent Application No.10/982,532.

The Examiner provisionally rejected claims 87, 88, 90-96, 98-108 and 114 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 5-7, 17-22, 25 and 40-55 of co-pending U.S. Patent Application No. 11/811,415.

These rejections are traversed for reasons discussed below.